

# NOTICE OF PROPOSED RULE ADOPTION

## STATE OF MISSISSIPPI MS State Department of Health

MS State Department of Health  
c/o Vickey Maddox  
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Jackson, MS 39215-1700  
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Email Address

Specific Legal Authority Authorizing the promulgation  
of Rule: 43-20-8(1)(a)

Reference to Rules repealed, amended or suspended by  
the Proposed Rule:  
Regulations Governing Licensure of Child Care Facilities

### Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:

Clarification of various sections of the existing regulations. To add language to the existing regulations that is consistent with the National Health and Safety Performance Standards for child care facilities as regards facility director qualifications. Clarify training requirements for child care facility directors and director designees. Clarify documentation required to be in staff records and volunteer records. Clarify the position of the Department that the use of video monitors in a classroom is not a substitute for the physical presence of a care giver in the room. Amends requirements for lead testing in buildings used for child care. Adds a section specific to equipment, toys and material requirements in dedicated School Age or After School programs. Clarifies the Department's position regarding school age children being allowed in the kitchen of a licensed facility. Clarifies requirements for use of non electric heating units in child care facilities. Establishes requirement that diving boards must be install by professional swimming pool installers who shall certify in writing that the board is adequately installed in a commercially responsible manner. Changes wording in various sections of the regulations to be consistent with the amendments.

This rule is proposed as a ☒ Final Rule, and/or a ☐ Temporary Rule (Check one or both boxers as applicable.)

**Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.**

### Oral Proceeding (Check one box below):

- ☒ An oral proceeding is scheduled on this rule on Date: October 3, 2005 at Time: 10:00 am at  
Location: MDH Osborne Building Auditorium, 570 E. Woodrow Wilson, Jackson, MS

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least five (5) days prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

- ☐ An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

**Economic Impact Statement (Check one box below):**

- ☒ The agency has determined that an economic impact statement is not required for this rule, or
- ☐ The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

**Date Rule Proposed:** August 31, 2005

**Proposed Effective Date of Rule:** November 12, 2005

Vickey J. Maddox, RN, Director, Office of Licensure  
**Printed Name/Title of Person Submitting Rule for Filing**

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**Signature**